

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D18819
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_____AD3d_____

Submitted - February 28, 2008

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS, JJ.

2007-09140

DECISION & JUDGMENT

In the Matter of Town of Huntington, petitioner,
v Sharon E. Carpinello, etc., et al., respondents.

(Index No. 20730/06)

John J. Leo, Town Attorney, Huntington, N.Y. (Johanna Stewart-Suchow of counsel), for petitioner.

Andrew M. Cuomo, Attorney General, New York, N.Y. (Michael S. Belohlavek and Ann P. Zybert of counsel), for respondent Sharon E. Carpinello.

Moritt Hock Hamroff & Horowitz LLP, Garden City, N.Y. (Robert L. Schonfeld of counsel), for respondent Pederson-Krag, Inc.

Proceeding to review a determination of the New York State Office of Mental Health dated July 6, 2006, which, after a hearing pursuant to Mental Hygiene Law § 41.34, denied the objection of the Town of Huntington to the establishment of a community residence for eight mentally ill adolescent boys, aged 13 through 17.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed on the merits, with one bill of costs.

The determination of the respondent Sharon E. Carpinello, the Commissioner of the New York State Office of Mental Health, is supported by substantial evidence (*see Matter of Village of Port Chester v Ayotte*, 34 AD3d 489). The petitioner's remaining contentions are without merit

April 8, 2008

Page 1.

MATTER OF TOWN OF HUNTINGTON v CARPINELLO

or not properly before this Court (*see* Mental Hygiene Law § 41.34[c][5]; *Matter of Stoves & Stone, Ltd. v Martinez*, 17 AD3d 683, 684; *see Matter of Incorporated Vil. of Westbury v Maul*, 263 AD2d 508, 509; *Matter of Town of Greenburgh v Coughlin*, 73 AD2d 672).

RIVERA, J.P., FLORIO, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court